

SUMMARY
STATE ELECTION BOARD MEETING
Professional Licensing Board
Exam Room, Building B
Macon, GA 31217
Thursday, February 21, 2013 – 10:00 a.m.

1. Chairman Kemp called the State Election Board (SEB) Meeting to order at approximately 10:00 a.m. A quorum was established with the following board members in attendance: Chairman Kemp, Rusty Simpson, Kent Webb and David Worley.
2. Chairman Kemp led everyone in the Pledge of Allegiance and Invocation.
3. Chairman Kemp called for the next order of business: Public Comment.
There was one public speaker: James Green, City of Forsyth
4. Chairman Kemp called for the next order of business: Approval of Minutes.

November 27, 2012 Minutes: David Worley made a motion to approve the minutes, Rusty Simpson seconded; the motion passed unanimously 4 – 0.

December 20, 2012 Minutes: David Worley made a motion to approve the minutes, Kent Webb seconded; the motion passed unanimously 4 – 0.

5. Chairman Kemp proceeded to the next order of business: Inspector General's Report

Chairman Kemp presented the list of consent cases and asked for any speakers on these cases; Shennielle Youhoing requested for SEB Case No. 2012-000029 to be addressed individually and Rev. Mathis K. Wright requested for SEB Case No. 2012-000020 to be addressed individually.

Consent Cases

David Worley made a motion to dismiss all consent cases, with the exception of SEB Case No. 2012-000020 Sumter County and SEB Case No. 2012-000029 Clayton County, which included the following:

SEB Case No. 2012-000008

SEB Case No. 2012-000016

SEB Case No. 2012-000032

SEB Case No. 2012-000057

Rusty Simpson seconded the motion; the motion passed unanimously, 4-0.

a. SEB Case No. 2012-000020 Sumter County (2012) –

Chris Harvey presented this case and recommended dismissal.

Public speaker was Rev. Mathis K. Wright, Jr., complainant.

Kent Webb made a motion to dismiss the case, Rusty Simpson seconded; the motion passed unanimously, 4-0.

b. SEB Case No. 2012-000029 Clayton County (Qualifying Youhoing) –

Chris Harvey presented this case and recommended dismissal in regards to the election related complaints.

Public speakers were Shennielle Youhoing, complainant, and Christie Barnes, Clayton County attorney. Russ Willard and Chris Harvey also responded to questions from the Board.

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Kent Webb made a motion to accept documents presented by Ms. Youhoing, David Worley seconded; the motion passed unanimously, 4-0.

Rusty Simpson made a motion to dismiss the case, Kent Webb seconded; the motion passed unanimously, 4-0.

6. Chairman Kemp proceeded to the next portion of the Inspector General's Report: New Cases. He conducted roll call in order to address first the cases for which individuals were present.

New Cases

- a. **SEB Case No. 2010-000102 Lincoln County (Absentee Ballots)** – Chris Harvey presented this case and recommended that the case against Lilvender Bolton, the Lincoln County Board of Elections & Registration (BOER) and Margaret Rose “Sally” Hawes be referred to the Attorney General's office; that Roxanne Blackwell and Pamela Banks receive letters of instruction; and that the case against Ruby Cunningham and Maureen Zellars be dismissed. At Chairman Kemp's suggestion, he later revised a portion of his recommendation to reflect that Lilvender Bolton and the Lincoln County BOER also receive letters of instruction instead of being referred to the Attorney General's office.

Public speaker was Benjamin Jackson, attorney for Lilvender Bolton and the Lincoln County BOER.

Rusty Simpson made a motion to issue letters of instruction to Lilvender Bolton, the Lincoln County BOER, Roxanne Blackwell and Pamela Banks; to refer the case against Margaret Rose “Sally” Hawes to the Attorney General's office; and to dismiss the case against Ruby Cunningham and Maureen Zellars. Kent Webb seconded; the motion passed unanimously, 4-0.

- b. **SEB Case No. 2011-000033 May 2011 Non-Citizen Registrants** – Chris Harvey presented this case and recommended referring the case against Joel G. Franco, Juan Renard Hernandez, Myria A. Dabouze and Florence Dorvil to the Attorney General's office. He recommended dismissing the case against all other respondents.

Public speaker was Myria Dabouze, with the assistance of her daughter Bathschebba Darbouze.

David Worley made a motion to bind over the case against Joel G. Franco, Juan Renard Hernandez, Myria A. Dabouze and Florence Dorvil to the Attorney General's office and to dismiss the case against the remaining respondents. Rusty Simpson seconded; the motion passed unanimously, 4-0.

- c. **SEB Case No. 2011-000035 Macon Municipal Election 2011** - Chris Harvey presented this case and recommended issuing letters of instruction to the Bibb County Board of Elections, which would cover all respondents.

There were no public speakers.

Rusty Simpson made a motion to issue letters of instruction to the Bibb County Board of Elections, including all respondents, Chairman Kemp seconded; the motion passed unanimously, 4-0.

- d. **SEB Case No. 2011-000072 City of Albany (Districts)** – Chris Harvey presented this case and recommended that the case against Ginger Nickerson and the Dougherty County Board of Election be referred to the Attorney General's office.

Public speakers were Cheryl Calhoun, complainant, and Spencer Lee, attorney for Dougherty County Board of Elections.

Chairman Kemp made a motion to bind the case against the Dougherty County Board of Elections and Ginger Nickerson over to Attorney General's office, Kent Webb seconded; the motion passed unanimously, 4-0.

- e. **SEB Case No. 2011-000081 City of Eastman (November 2011)** – Chris Harvey presented this case and recommended that the case against Wilma Slye be referred to the Attorney General’s office and that a letter of instruction be issued to Bea Edge regarding the one absentee ballot that she failed to properly certify.

Public speakers were Wilma Slye, respondent, and Robert Slye, candidate for city council and husband of Wilma Slye.

Kent Webb made a motion to bind over the case against Wilma Slye to the Attorney General’s office and to issue a letter of instruction to Bea Edge, David Worley seconded; the motion passed unanimously, 4-0.

- f. **SEB Case No. 2011-000087 City of College Park (November 2011)** – Chris Harvey presented this case and recommended the respondents be referred to the Attorney General’s office on two violations.

Public speaker was Mike Williams, attorney for City of College Park.

Kent Webb made a motion to accept a documented statement from Mr. Williams, Rusty Simpson seconded; the motion passed unanimously, 4-0.

Rusty Simpson made a motion to bind over the case against to the Attorney General’s office, David Worley seconded; the motion passed unanimously, 4-0.

- g. **SEB Case No. 2011-000092 City of Forsyth (November 2011)** – Chris Harvey presented this case and recommended that Truett Goodwin and Judge Karen Pittman be issued letters of instruction, that the case against Dyann Davis be dismissed, and that the case against all other respondents be referred to the Attorney General’s office.

Public speakers included Robert Melton, attorney for City of Forsyth; Ty Howard, former mayor of Forsyth; John Howard, current mayor of Forsyth; Connie Grant, respondent; Lois Allen, respondent; Phanny West, in support of respondents; and Tony Parker, husband of respondent Linda Parker.

Kent Webb made a motion to issue letters of instruction to Truett Goodwin and Judge Karen Pittman, to dismiss the case against Dyann Davis, and to bind over the case against all other respondents to the Attorney General’s office. Rusty Simpson seconded; the motion passed unanimously, 4-0.

- 7. At approximately 12:20 p.m., Kent Webb made a motion to break for Executive Session in order to discuss pending litigation, David Worley seconded; the motion passed unanimously, 4 – 0.
- 8. At approximately 1:15 p.m., Chairman Kemp reconvened the meeting and call for the continuation of the Inspector General’s report.

- h. **SEB Case No. 2011-000097 City of Richland (November 2011)** – Chris Harvey presented this case and recommended that the case against Teresa Nelson, Mattie Johnson and Maryneal Castlebury be referred to the Attorney General’s office.

Public speakers were Mr. Raulerson, attorney for City of Richland, and J.C. Clark, Jr., complainant.

Rusty Simpson made a motion to issue a letter of instruction to Teresa Nelson and to bind over the case against Mattie Johnson and Maryneal Castlebury to the Attorney General’s office, Chairman Kemp seconded; the motion passed unanimously 4-0.

- i. **SEB Case No. 2011-000106 City of Graham (Voter List)** – Chris Harvey presented this case and recommended binding over the case against all three Crosby’s to the Attorney General’s office.

Public speakers were John Fogarty, complainant, and Bronnie Crosby, respondent

Mr. Fogarty addressed 5 absentee ballots he believed to be mishandled, which were not include in the investigation for this case; Chris Harvey recommended tabling that allegation for further investigation.

Rusty Simpson made a motion to accept proof of residency documents from Bronnie Crosby, Kent Webb seconded; the motion passed unanimously, 4-0.

Chris Harvey amended his recommendation to instead bind over the case against Lonnie Crosby in regards to voting as a convicted felon, to dismiss the case against Bronnie and Donnie Crosby, and to open a new investigation regarding the 5 absentee ballots addressed by Mr. Fogarty.

David Worley made a motion to dismiss the case against Bronnie and Donnie Crosby and to refer the case against Lonnie Crosby to the Attorney General's office, Rusty Simpson seconded; the motion passed unanimously, 4-0.

- j. **SEB Case No. 2012-000043 Lowndes County (July 31, 2012 Photo of Ballot)** – Chris Harvey presented this case and recommended issuing a letter of instruction to Joseph Wheeler.

There were no public speakers.

David Worley made a motion to issue a letter of instruction to Joseph Wheeler, Chairman Kemp seconded; the motion passed unanimously, 4-0.

- k. **SEB Case No. 2012-000052 Columbia County (July 31, 2012 Photographing DRE)** - Chris Harvey presented this case and recommended issuing a letter of instruction to both respondents.

There were no public speakers.

Rusty Simpson made a motion to issue letters of instruction to both respondents, Kent Webb seconded; the motion passed unanimously, 4-0.

- l. **SEB Case No. 2012-000053 Long County (July 31, 2012 Sheriff Election)** - Chris Harvey presented this case and recommended issuing a letter of instruction to both respondents.

Public speaker was Vanessa Cunningham, Long County Election Superintendent.

Rusty Simpson made a motion to issue letters of instruction to both respondents, Chairman Kemp seconded; the motion passed unanimously, 4-0.

- m. **SEB Case No. 2012-000079 Bryan County (July 31, 2012 Incomplete Ballot)** - Chris Harvey presented this case and recommended referring the case to the Attorney General's office.

Public speaker was Judge Sam Davis, respondent.

Kent Webb recommended a letter of instruction.

Rusty Simpson made a motion to issue a letter of instruction, Kent Webb seconded. Rusty Simpson amended his motion to have the letter of instruction relate only to the proofreading of ballots, Chairman Kemp seconded; the motion passed unanimously, 4-0.

- n. **SEB Case No. 2011-000054 Troup County (Ballot)** – Chris Harvey presented this case and presented the Board with a consent order drafted by the county and recommended that it be accepted by the Board.

There were no public speakers.

Chairman Kemp made a motion to accept the document from Chris Harvey, David Worley seconded; the motion passed unanimously, 4-0.

Rusty Simpson made a motion to accept the consent order, David Worley seconded; the motion passed unanimously, 4-0.

- o. **SEB Case No. 2011-000070 City of Gumbranch** – Chris Harvey presented this case and recommended a letter of instruction for the City of Gumbranch and the mayor.

There were no public speakers.

Rusty Simpson made a motion to issue a letter of instruction, Chairman Kemp seconded; the motion passed unanimously, 4-0.

- p. **SEB Case No. 2011-000094 City of Wadley (November 2011)** – Chris Harvey presented this case and recommended that the case against the City of Wadley, Sallie Adams and Darsenika Jackson be referred to the Attorney General’s office and that a letter of instruction be issued to Debbie McGee.

There were no public speakers.

Rusty Simpson made a motion to bind the case against the City of Wadley, Sallie Adams and Darsenika Jackson over to the Attorney General’s office and to issue a letter of instruction to Debbie McGee. , Kent Webb seconded; the motion passed unanimously, 4-0.

- q. **SEB Case No. 2011-000099 City of St. Mary’s (November 2011)** – Chris Harvey presented this case and recommended that the case against the Judge Martin Gillette be referred to the Attorney General’s office for the failure to post proper notice regarding L&A testing, and that the case against the Camden County Board of Registrars be dismissed.

There were no public speakers.

Chairman Kemp made a motion to bind the case against the Judge Martin Gillette over to the Attorney General’s office, Kent Webb seconded; the motion passed unanimously, 4-0.

Kent Webb made a motion to issue a letter of instruction to the Camden County Board of Registrars, David Worley seconded; the motion passed unanimously, 4-0.

- r. **SEB Case No. 2011-000108 City of Pelham (November 2011)** - Chris Harvey presented this case and recommended issuing a letter of instruction to all respondents.

There were no public speakers.

Rusty Simpson recommended a letter of instruction.

David Worley made a motion to bind over the case against all respondents to the Attorney General’s office, Rusty Simpson seconded; the motion passed unanimously, 4-0.

- s. **SEB Case No. 2012-000012 Treutlen County (PPP)** - Chris Harvey presented this case and recommended that the case against all respondents be referred to the Attorney General’s office.

Public speakers were Tom Everett, attorney for Treutlen County, and Judge Tori Hudson, respondent.

Chairman Kemp expressed a willingness to issue a letter of instruction, with the understanding of the Judge’s responsibilities going forward.

Chairman Kemp made a motion to issue a letter of instruction to all respondents, David Worley seconded; the motion passed unanimously, 4-0.

- t. **SEB Case No. 2012-000027 Brantley County (BOE)** – This case was granted a continuance.

9. Chairman Kemp called for the next order of business, the Attorney General’s Report.

Kent Webb requested to address SEB Case No. 2008-0001 City of Arlington individually.

Consent Cases

- a. **SEB Case No. 2008-0001 City of Arlington** – Russell Willard presented this case and explained the magnitude of the \$5000 questioned by Kent Webb.

Kent Webb made a motion to accept the consent orders for this case, David Worley seconded; the motion passed unanimously 4-0.

- b. Rusty Simpson made a motion to accept the Attorney General’s proposed resolution on all remaining consent cases, which included the following:

SEB Case No. 2010-0090 Dooly County

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SEB Case No. 2010-0092	Echols County
SEB Case No. 2010-0108	Glynn County
SEB Case No. 2010-0117	Fulton County
SEB Case No. 2011-0015	Fulton County
SEB Case No. 2011-0020	Thomas County
SEB Case No. 2011-0041	City of Bronwood

Kent Webb seconded; the motion passed unanimously, 4-0.

10. Chairman Kemp commended the Board, staff and investigators for their work.

11. Kent Webb made a motion to adjourn the meeting, David Worley seconded; the motion passed unanimously, 4 - 0. Being no further business, the meeting was adjourned at approximately 2:45 p.m.